HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No.20903 of 2007

Dated: 01-11-2007

Between:
Smt. Suman Sanghi and another.

...
Petitioners

AND
The Special Deputy Collector,
Land Acquisition IPA,
Shamshabad, III floor,
Collectorate office,
Ranga Reddy District,
Lakadikapool, Hyderabad.

...
Respondents

Counsel for the petitioners: Sri Sharad Sanghi.

Counsel for the respondents: Asst. Govt. Pleader for Land Acquisition.

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ORDER:

This Writ Petition is filed for a Writ of Mandamus to direct the respondents not to take possession of the property over and above Ac.0.04 guntas from the petitioner as shown in the notice dated 31-7-2007 issued under Section 9(3) and 10 of the Land Acquisition Act, 1894 (for short "the Act").

Learned counsel for the petitioners submits that though in the notification issued under Section 4(1) of the Act an extent of Ac.4.17 guntas of land belonging to the petitioners in Survey No.59 has been proposed to be acquired, in the notices issued under Sections 9(3) and 10 of the Act the extent proposed to be acquired was restricted to Ac.0.04 guntas only. He, however, submitted that despite the same, the respondents are seeking to take possession of an extent of about Ac.1.00 guntas of land in Survey No.59 belonging to the petitioners.

In paragraph 8 of the counter-affidavit filed by the Special Deputy Collector, Land Acquisition, International Airport, Shamshabad, it is averred as under:

> "In reply to para 11, it is submitted that the area in respect of Sy.No.59 has been shown as Ac.4.17 gts in

the Draft Notification as per the requisition of the HUDA. But whereas as per the sub-division record prepared by the Surveyor of this office and attested by Assistant Director, Survey and Land Records only an extent of 0.04 gts is coming under road, as such notices U/s.9 (3) & 10 of L.A. Act has been issued for an extent of 0-04 gts only".

In view of the categorical statement contained in the counter-affidavit, which is reproduced hereinabove, I do not see any basis for the apprehension of the petitioner that the respondents would acquire more than Ac.0.04 guntas of land belonging to the petitioners in Survey No.59. In the event the respondents seek to acquire the land over and above the said extent of Ac.0.04 guntas, liberty is given to the petitioner to avail the remedies available under law.

With the above observations, the Writ Petition is disposed of.

Dt.1-11-2007

C.V.Nagarjuna Reddy,J.

MNR